BACKGROUND DOCUMENT

Manitoba's Ozone Depleting Substances (ODS) Management Program

Proposed Amendments to Manitoba Regulation 103/94 for the

Protection of the Earth's Stratospheric Ozone Layer

Introduction

Manitoba is proposing to enhance its Ozone Depleting Substances (ODS) Management Program by implementing new control measures as outlined in Canada's *National Action Plan (NAP) for the Environmental Control of Ozone Depleting Substances and their Halocarbon Alternatives*. The NAP was endorsed by the Canadian Council of Ministers of the Environment (CCME) to fulfill Canada's ODS obligations stemming from an international multilateral environmental agreement, the Montreal Protocol. Manitoba's *Ozone Depleting Substances Regulation* (MR 103/94) provides a framework for phasing-out the use of ODS - chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HCFCs), halons and other halocarbons. New measures proposed will implement industry wide CFC and halon refill bans and regulate ODS replacement products, such as hydrofluorocarbons (HFCs). Comments on proposed amendments will be accepted up to June 30, 2005.

Stratospheric Ozone Depletion

The depletion of the earth's stratospheric ozone layer by ozone depleting substances means more harmful ultraviolet rays are penetrating the atmosphere. Ultraviolet radiation rays are known to have detrimental effects on humans resulting in sunburn, skin cancer and cataracts, as well as having impacts on plants and animals. Chemical substances that destroy ozone molecules contain either chlorine or bromine and are collectively referred to as ozone-depleting substances (ODS), and include: chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HCFCs), halons, and other halocarbons. These substances are used in refrigeration, air conditioning, and fire extinguishing equipment, as well as in solvents and sterilants.

Scientific research has discovered that a single chlorine atom can destroy 100,000 ozone molecules. Halons are potentially 10 times more destructive. Canada and the rest of the international community determined that the severity of this issue required collective action to protect the ozone layer from being completely destroyed. In 1987, Canada was one of the nations that signed the Montreal Protocol, which now has over 180 signatories. The intent of this international agreement is to gradually phase-out and eliminate the use of ODS worldwide.

Canada's ODS Management Framework: 2001 National Action Plan

To fulfil obligations of the Montreal Protocol, the federal, provincial and territorial governments have been co-ordinating efforts to ensure a clear and consistent regulatory framework is developed and implemented across Canada to protect the stratospheric ozone layer. To harmonize Canada's approach to preventing the release into the atmosphere and eliminating the use of Ozone Depleting Substances (ODS), the Federal-Provincial Working Group (FPWG) on Ozone Depleting Substances and Halocarbon Alternatives was established in 1989. The FPWG is responsible for developing Canada's National Action Plan (NAP) which outlines how ODS will be controlled, reduced and eliminated in Canada.

In 1992, the NAP was officially implemented after it was endorsed by the Canadian Council of Ministers of the Environment (CCME). In 1998 and 2001, the CCME approved revisions to the NAP. The 2001 update to the NAP included the Strategy to *Accelerate the Phase-Out of CFCs and Halon Uses and to Dispose of Surplus Stocks*.

The proposed changes to Manitoba's ODS Management Program, arise from the 2001 amendments made to the NAP concerning Canada's commitment to phase-out the use of CFC's and halons. These amendments have the specific purpose of assisting us in our efforts to meet our objectives in protecting the ozone layer.

Manitoba's ODS Management Program - Proposed Regulatory Amendments

To comply with the environmental objectives of the National Action Plan (NAP), Manitoba's Ozone Depleting Substances (ODS) Management Program was established in 1992 with the enactment of the *Ozone Depleting Substances Act* and *Regulation*. Two years later, Manitoba enacted a revised ODS Regulation (M.R. 103/94) with enhanced ODS controls. In 1999, the ODS Act was amended to accommodate the requirements of the 1998 NAP by including other halocarbons, such as hydrofluorocarbons (HFCs), which are used as replacement products for ozone depleting substances.

In 1994, the Manitoba Ozone Protection Industry Association (MOPIA) was established. This industry stakeholder association works in partnership with the Province of Manitoba to protect the stratospheric ozone layer by providing atmospheric protection information and technical service resources. MOPIA, through an Annual Appointment Agreement with Manitoba Conservation provides environmental awareness training and manages the certification and permit renewal process for over 5,000 trained service technicians and secondary distributor permits. Over the last decade, MOPIA has provided technical information and increased public awareness on ODS issues.

Manitoba's Regulatory Framework

Manitoba's regulatory framework is designed to minimize and avoid the ultimate release of ODS and replacement products into the environment. CFC and Halon refill bans are proposed for air-conditioning equipment in vehicles that are older than 1995 and for all other equipment manufactured prior to 1999. With the world-wide phase-out of ODS, equipment manufactured after these dates are using HCFCs or other halocarbon alternatives. Although halocarbon alternatives, such as HFCs and perfluorocarbons (PFCs), do not deplete the ozone layer, they are greenhouse gases and have a high potential of contributing to global warming. To ensure that one environmental concern is not exchanged for another, a comprehensive management approach has been developed incorporating these substances into the new regulatory framework. To reflect the inclusion of new control measures for ODS replacement products the name of the regulation is being changed to the *Ozone Depleting Substances and Other Halocarbon Regulation*.

Proposed Regulatory Amendments

Proposed amendments to the Manitoba ODS Regulation establish specific refill-bans for industry sectors to encourage the orderly transition of ODS to alternative substances and technologies while ensuring the safe disposal of surplus stocks. These amendments are consistent with the 1998 and 2001 NAP recommendations and will enhance Manitoba's ODS Management Program and climate change initiatives.

To ensure ODS and replacement products are safely collected and properly disposed in Manitoba, a seller take-back requirement will be established. Manitoba Conservation will work with the refrigeration, air conditioning and fire protection industries to implement a comprehensive halocarbon stewardship program. Appropriate regulations will be developed as needed.

In addition to an industry wide refill ban for equipment containing CFCs and halons, other amendments to Manitoba's ODS Regulation include new reporting requirements for owners/operators of ODS containing equipment, as well as, new permitting measures and fees for the continued operation of CFC chillers and fixed fire extinguishing equipment.

These amendments are proposed to ensure an orderly phase-out transition within these sectors, to enhance the accountability of business owners/operators, and to provide a mechanism to evaluate Manitoba's ODS Management Program in phasing out CFCs, HCFCs, halons and other designated halocarbons over the next decade. It is further proposed that MOPIA will continue its role as a service provider in issuing permits and collecting fees.

Proposed Measures by Sector

Mobile Refrigeration and Air Conditioning Equipment

- Prohibit the refilling of mobile (vehicle) air conditioning equipment with CFCs and HCFCs.
- Prohibit the refilling of mobile refrigeration equipment with CFCs.
- Refill ban for mobile refrigeration and air conditioning equipment, effective 30 days after the regulation comes into force.

Commercial Refrigeration and Air Conditioning Equipment

- CFC refill ban for refrigeration and air conditioning equipment, excluding white goods, starting January 1, 2006.
- Prohibit the installation of air conditioning and refrigeration equipment that requires CFCs.
- Prohibit the modification of air conditioning and refrigeration equipment or a white good to use CFCs.

Fixed Fire Extinguishing Equipment

- Halon use prohibited in fixed fire extinguishing equipment unless a valid Class 1 Permit has been granted. A valid permit is required 90 days after the regulation comes into force.
- Between January 1, 2006 to December 31, 2009, only one halon refill will be permitted with a valid Class 1 Halon Refill Permit. Halon use prohibited January 1, 2010.
- Following expiration of Class 1 Halon Permits, special circumstances must be proven for continued use and a new valid Class 1 Permit has been granted.
- Prohibit the installation or modification of fire extinguishing equipment to use halons.
- New reporting requirements for owners/operators when halon containing equipment has been decommissioned, replaced or converted.

Chillers

- Use of CFCs prohibited in chillers unless a valid Class 1 Permit has been granted. A valid permit is required 90 days after the regulation comes into force.
- Starting January 1, 2006, require conversion or replacement of CFC-containing chillers at the next major overhaul. Prohibit CFC use in chillers January 1, 2015.
- Between January 1, 2006 and December 31, 2014, CFC refill may be permitted on the condition that the chiller's failure is an immediate threat to human life or health.
- Prohibit the installation or modification of any chiller to use CFCs.
- New reporting requirements for owners/operators when CFC and HCFC chillers are decommissioned, replaced or converted.
- Releases from purge systems limited to 0.1 kg/kg air, effective 90 days after the regulation comes into force.

Service and Repair

- No servicing of CFC chillers or fixed fire extinguishing equipment unless a Class 1 Chiller Permit has been issued.
- Recovery of ODS from equipment in accordance with industry standards.
- New annual certification renewal date for trained service technicians: June 1.
- Containers for ODS or replacement products that are purchased, sold, or transferred must be designed and manufactured to be refillable, effective 120 days after the regulation comes into force.

Effective Refill Ban Dates

Sector	Key Date
• Mobile (Vehicle) Air Conditioning & Refrigeration	30 days after regulation in force
• Commercial Refrigeration & Air-Conditioning	January 1, 2006
• Chillers	January 1, 2006
• Fixed Fire Extinguishing Equipment	January 1, 2006
• White Goods or Domestic Household Appliances	Exempt

New Permits and Fees

- MOPIA to continue its role as a service provider in issuing permits and collecting applicable fees.
- Annual renewal fee for trained service technician certification increased by $5.

Permit	Fee	Description
• Chiller Class 1 Permit	$50	Expires one year from the date the equipment is recharged or when the chiller requires a major overhaul. Permit becomes invalid and expires January 1, 2015.
• Fixed Fire Extinguishing Class 1 Permit	$50	Expires one year from the date the equipment is recharged, decommissioned or converted. Permit becomes invalid and expires January 1, 2010.
• Fixed Fire Extinguishing Class 1 Recharging Permit	$50	Expires on the day the equipment is recharged. Permit becomes invalid January 1, 2010.
• Fixed Fire Extinguishing Irreplaceable Equipment Permit	$50	Expires annually or when equipment is decommissioned or converted to not use halons.

Comments on proposed changes to Manitoba's ODS Management Program may be submitted up to **June 30, 2005**. You may download the Background Document and review the Draft Regulation Amendments on-line at www.gov.mb.ca/conservation/pollutionprevention/ods. Comments on the proposed regulatory amendments may be submitted to Manitoba Conservation, Pollution Prevention Branch by:

E-Mail at ods@gov.mb.ca

Fax (204) 945-1211

Or by completing the comment form and mailing to:

Manitoba ODS Management Program
Pollution Prevention Branch
Manitoba Conservation
123 Main Street, Suite 160
Winnipeg MB R3C 1A5

Contact Manitoba Conservation, Pollution Prevention Branch at (204) 945-3554 or toll-free at 1-800-282-8068, ext. 3554, for information on Manitoba's ODS Management Program.

COMMENT FORM

MANITOBA ODS REGULATION PROPOSED AMENDMENTS

Name:
Affiliation:
Date:

Clause No. or Subclause No. (e.g. 3.1)	Type Of Comment[1]	Comment (justification for change) by the Commenter	Proposed Change by the Commenter

1 **Type of comment:** **ge** = general; **te** = technical; **ed** = editorial

COMMENTS MAY BE SUBMITTED UP TO JUNE 30, 2005 TO:

Manitoba ODS Management Program
Pollution Prevention Branch
Manitoba Conservation
123 Main Street, Suite 160
Winnipeg MB R3C 1A5

E-Mail: ods@gov.mb.ca

Fax: (204) 945-1211

Draft Regulation Amendments
Manitoba's Ozone Depleting Substances Regulation (MR 103/94)

FOR DISCUSSION PURPOSES ONLY

Notes:

1. **Proposed draft amendments are underlined.**
2. **Deletions are shown as being struck out.**
3. **The proposed wording is not the final wording and is only intended to convey the general intent of the proposed amendments.**

Ozone Depleting Substances and Other Halocarbons Regulation

This draft is a working document, subject to change, and is being issued for the purpose of generating review and comment. All persons making use of this consolidation are reminded that it has no legislative sanction. Amendments have been inserted into the base regulation for discussion purposes and for convenience of reference only. The original regulation should be consulted for purposes of interpreting and applying the law.

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DEFINITIONS AND APPLICATION

Definitions

1 In this regulation,

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"Act" means *The Ozone Depleting Substances Act*; (« *Loi* »)

"air conditioning equipment" means an air cooling, heating or dehumidifying unit or system, whether mobile or stationary, that contains ~~an ozone depleting substance~~ or operates with a Class 1, 2 or 3 substance; (« matériel de climatisation »)

"appropriate container" means a container that is designed and manufactured to be refilled and to contain a specific Class 1, 2 or 3 substance;

"ARI" means the Air-Conditioning and Refrigeration Institute, established in the United States of America;

"chiller" means air conditioning or refrigeration equipment that has a compressor, evaporator and secondary refrigerant;

~~**"Class 1 substance"** or **"Class 2 substance"** means an ozone depleting substance listed under the heading Class 1 or Class 2, respectively, in Schedule A; (« substance de catégorie 1 » ou « substance de catégorie 2 »)~~

"Class 1 substance" means a substance listed or described under the heading Class 1 in the Schedule;

"Class 2 substance" means a substance listed or described under the heading Class 2 in the Schedule;

"Class 3 substance" means a substance listed or described under the heading Class 3 in the Schedule and prescribed as a replacement product under subsection 4(2);

"decommission", in relation to an conditioning, fire extinguishing, refrigeration or other equipment that contains, uses or operates with a Class 1 or 2 substance, means to recover for recycling, reclamation or destruction, any Class 1 or 2 substance that the equipment contains, and make the equipment inoperable;

"fire extinguishing equipment" means a fire extinguishing unit or system~~, hand held or fixed, that contains an ozone depleting substance~~ fixed or portable, that contains a Class 1, 2 or 3 substance; (« matériel d'extinction d'incendie »)

"fixed fire extinguishing equipment" means equipment that uses a Class 1, 2 or 3 substance to extinguish fire and is not portable fire extinguishing equipment;

"major overhaul", in relation to a chiller, means

(a) any procedure or repair that requires replacement or modification of an internal sealing device,

(b) the replacement or modification of any internal mechanical parts other than

(i) an oil heater,

(ii) an oil pump,

(iii) a float assembly, and

(iv) a valve assembly, in the case of a chiller with single-stage compressor; or

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(c) any procedure or repair required to fix an evaporator or condenser heat exchanger tube failure;

"mobile refrigeration equipment" means refrigeration equipment that is installed in, normally operates in, on or in conjunction with, or is attached to, a means of transportation;

"motor vehicle" means a motor vehicle as defined in *The Highway Traffic Act*; (« véhicule automobile »)

"portable fire extinguishing equipment" means equipment that uses a Class 1, 2 or 3 substance to extinguish fire and can be moved or wheeled by hand from place to place;

"purge system", in relation to air conditioning or refrigeration equipment, means the purge unit and any associated recovery equipment;

"reclaim" means to restore a recovered ~~ozone depleting substance~~ a Class 1, 2 or 3 substance to its original level of purity and product specific ation; (« convertir »)

"recover" means to capture in a closed container ~~an ozone depleting~~ a Class 1, 2 or 3 substance that is removed from air conditioning, fire extinguishing or refrigeration equipment; (« récupérer »)

"recycle" means to reuse ~~an ozone depleting substance~~ a Class 1, 2 or 3 substance that has been recovered from air conditioning, fire extinguishing or refrigeration equipment in other equipment and that has been restored to a higher level of purity; (« recycler »)

"refrigerant" means a fluid that absorbs heat at a low temperature and pressure, with a change of state, and rejects heat at a higher temperature and pressure; (« frigorigène »)

"refrigeration equipment" means a refrigeration unit or system, whether mobile or stationary, that contains ~~an ozone depleting substance~~ or operates with a Class 1, 2 or 3 substance; (« matériel de réfrigération »)

"reuse" means to return a recovered ~~ozone depleting substance~~ Class 1, 2 or 3 substance to air conditioning, fire extinguishing or refrigeration equipment after completion of repairs or service of the equipment; (« réutiliser »)

"secondary distributor" means a person who holds a valid and subsisting secondary distributor permit issued under section 22; (« distributeur secondaire »)

~~**"service"**, in relation to equipment, includes charging and recharging the equipment~~
"service", in relation to equipment that contains, uses or operates with a Class 1, 2, or 3 substance, includes

(a) repairing, moving, dismantling, charging, recharging, topping up and decommissioning the equipment, and

(b) modification, maintenance, disposal, start-up and testing of the equipment, other than testing related to its manufacture; (« entretien »)

"top up" means to partially or completely refill equipment designed to contain ~~an ozone depleting substance~~ a Class 1, 2 or 3 substance, or a component that makes up or is attached to a closed refrigerant loop, with an

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ozone depleting substance; (« faire l'appoint »)

"trained service technician" means a person who holds a valid and subsisting certification as a trained service technician granted under section 20; (« technicien d'entretien qualifié »)

"vehicle air conditioner" means the air conditioning unit or system of a motor vehicle or other motor-powered vehicle, if the unit or system

(a) is driven by an engine;

(b) is a mechanical vapour compression refrigerant system that provides cooling for the passenger compartment of the vehicle, and

(c) contains or is intended to contain a Class 1, 2 or 3 substance;

"white good" means

(a) a domestic refrigerator or freezer,

(b) a window air conditioner,

(c) a 115 to 230 volt self-contained plug-in unit that requires the use of ~~an ozone depleting substance~~ a Class 1, 2 or 3 substance for operation, including but not limited to a drinking fountain, a pneumatic air dryer, and a domestic dehumidifier. (« bien durable technique »)

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Interpretation

2 Nothing in this regulation shall be interpreted to permit the making or use that is otherwise prohibited by law of a Class 1, 2 or 3 substance ~~an ozone depleting substance~~ or a thing or product that contains, or for its use or operation requires, ~~an~~ a Class 1, 2 or 3 substance ~~ozone depleting substance~~.

Permitted uses

3 The making or use of a Class 1, 2 or 3 substance ~~an ozone depleting substance~~ or a thing or product that contains, or for its use or operation requires, a Class 1, 2 or 3 substance ~~an ozone depleting substance~~ is permitted except where prohibited by this regulation.

Prescribed substances

4(1) The substances ~~set out in Schedule A~~ set out or described in the Schedule under the headings Class 1 and Class 2 are prescribed as ozone depleting substances of the class under which they are listed.

4(2) The substances set out or described in the Schedule under the heading Class 3 are prescribed as replacement products under subsection 2(2) of the Act.

RELEASES PROHIBITED

Releases prohibited

5(1) Except where permitted by or under an enactment of Manitoba or Canada, no person shall release or permit the release of a Class 1, 2 or 3 substance ~~an ozone depleting~~ into the environment.

5(2) Subsection (1) does not prohibit the release of a Class 1, 2 or 3 substance from any thing while it is used

(a) in the course of fighting fires; or

(b) in the following human or animal health care applications:

(i) bronchial dilators,

(ii) inhalable steroids,

(iii) topical anesthetics,

(iv) veterinary powder wound sprays; or

(c) as a safety device on equipment.

(d) in the operation of a sub-atmospheric centrifugal chiller compressor purge system.

5(3) Subsection (1) does not prohibit the release of a refrigerant used for charging or re-charging equipment where the refrigerant is contained in a hose less than ~~36 inches~~ 92 cm (36 inches) in length.

INSTALLATION, SERVICE AND REPAIR OF EQUIPMENT

~~**Service and repair by trained service technicians**~~

~~**6(1)** No person other than a trained service technician shall~~

~~(a) install, repair or service air conditioning, refrigeration or other equipment, other than fire extinguishing equipment, that contains an ozone depleting substance; or~~

~~(b) do other work on any equipment referred to in clause (a) that may result in the release of an ozone depleting substance.~~

~~**6(2)** After March 31, 1996, no person other than a trained service technician shall~~

~~(a) install, repair or service fire extinguishing equipment that contains an ozone depleting substance; or(b) do other work on any equipment referred to in clause (a) that may result in the release of an ozone depleting substance.~~

~~M.R. 128/95~~

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Service and repair by trained service technicians

6 No person other than a trained service technician shall

(a) install, repair or service air conditioning, fire extinguishing, refrigeration or other equipment that contains or uses a Class 1, 2 or 3 substance;

(b) repair or service a white good that contains or uses a Class 1, 2 or 3 substance; or

(c) do other work on anything referred to in clause (a) or (b) that may result in the release of a Class 1, 2 or 3 substance.

Serviced equipment must be properly permitted

6.1(1) A trained service technician must not after this regulation is in force for 90 days, service fixed fire extinguishing equipment that uses a Class 1 substance unless a Class 1 permit has been issued for the equipment under section 13.2 or 13.3 and the permit is in force.

6.1(2) Without limiting the generality of subsection (1), a trained service technician must not after January 1, 2006 recharge fixed fire extinguishing equipment with a Class 1 substance except under the authority of a recharging permit issued under section 13.2 or 13.3.

6.1(3) A trained service technician must not, after this regulation is in force for 90 days, service a chiller that uses a Class 1 substance unless a Class 1 permit has been issued for the chiller under section 15.4 and the permit is in force.

~~Recovery of ozone-depleting substances~~ Recovery of Class 1, 2 and 3 substances

7(1) A trained service technician who carries out an installation, repair or service or who does any other work referred to in section 6 shall

(a) have available at the job site operational equipment that can recover and contain ~~an ozone-depleting substance~~ a Class 1, 2 and 3 substance; and

(b) recover and either reuse, recycle, reclaim or arrange for the destruction of any Class 1, 2 and 3 substance ~~ozone-depleting substance~~ that would otherwise be released during the procedure.

7(2) A trained service technician who recovers a Class 1, 2 or 3 substance from fire extinguishing equipment shall so do with recovery equipment with a transfer efficiency of at least 99%, determined in accordance with Underwriters' Laboratories of Canada standard ULC/ORD–C1058.5–2004, *Halon and Halocarbon Clean Agent Recovery and Reconditioning Equipment*, as amended or replaced from time to time.

7(3) A trained service technician who recovers a Class 1, 2 or 3 substance from air conditioning or refrigeration equipment shall do so in accordance with ARI standard 740-98, *Refrigerant Recovery/Recycling Equipment*, as amended or replaced from time to time.

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Repair and service records

8(1) A trained service technician who carries out an installation, repair or service or who does any other work referred to in section 6 shall

(a) make a record in a form approved by the minister setting out

(i) the type of equipment and work carried out,

(ii) the date of and location where the work was carried out,

(iii) whether ~~an ozone depleting substance~~ a Class 1, 2 or 3 substance was removed, recovered, charged or recharged into the system,

(iv) the type of Class 1, 2 or 3 substance ~~ozone depleting substance~~, if known, that is recovered from and recharged into the system, ~~and~~

(v) the amount of Class 1, 2 or 3 substance ~~ozone depleting substance~~, if any, that will be stored pending recycling, reclamation or destruction; and

(vi) the Manitoba location where the substance will be stored until it is recycled, reclaimed or destroyed; and

(b) leave a copy of the record referred to in clause (a) with the owner or operator of the equipment that is installed, repaired or serviced.

8(2) A trained service technician who is required to make a record referred to in subsection (1) in the course of his or her employment shall give the record to his or her employer.

8(3) A person who is required to make a record described in subsection (1) and retains possession of it, or an employer who is in possession of a record under subsection (2), shall

(a) keep the record for not less than three years after the date of the installation, repair, service or other work; and

(b) make the record available to an environment officer upon request.

8(4) Before February 1 of each year, a person required to make records under this section shall provide to the minister in a form approved by the minister a summary of all of the records made for the previous year.

8(5) The owner or operator of a chiller or fixed fire extinguishing equipment that contains, uses or operates with a Class 1 or 2 substance shall provide a report to the minister, setting out the information required by clause (1)(a), if the chiller or equipment is

(a) put out of operation for the purpose of decommissioning it;

(b) replaced; or

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(c) converted so that it does not use a Class 1 or 2 substance.

8(6) It is sufficient compliance with subsection (5) if the owner or operator provides a copy of the report that he or she receives from the trained service technician as required by clause (1)(b).

Restricted use of equipment with Class 1 substance

8.1 No person shall

(a) install or set into operation air conditioning, fire extinguishing, refrigeration or other equipment that uses or operates with a Class 1 substance; or

(b) modify air conditioning, fire extinguishing, refrigeration or other equipment, or a white good, that before the modification was not able to use or operate with a Class 1 substance, if after the modification the equipment or white good will be able to use or operate with such a substance.

Class 1 and 2 substances prohibited in vehicles

8.2(1) No person shall, after this regulation is in force for 30 days, charge or recharge a vehicle air conditioner with a Class 1 or 2 substance.

8.2(2) No person shall, after this regulation is in force for 30 days, charge or recharge mobile refrigeration equipment with a Class 1 substance.

Other Class 1 substance prohibitions

8.3(1) After December 31, 2005 no person shall charge or recharge air conditioning or refrigeration equipment with a Class 1 substance. This is subject to 15.4. This does not apply to white goods.

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USE, DISPOSAL AND STORAGE OF ~~OZONE DEPLETING SUBSTANCES~~ CLASS 1, 2 AND 3 SUBSTANCES

~~**Use of ozone depleting substance as sterilant**~~

~~**9(1)** After January 1, 1996, a person who uses a sterilant that contains a Class 1 substance as a gas carrier shall recover and recycle the Class 1 substance from the sterilant.~~

Class 1 and 2 substances prohibited as sterilants

9(1) No person shall use a Class 1 or 2 substance as or in a sterilant.

9(2) In subsection (1), **"sterilant"** means a gas mixture that is used to sterilize equipment, things or materials.

~~**Use of ozone depleting substance as solvent**~~

~~**10(1)** No person shall use a Class 1 substance to dissolve another substance for the purpose of commercial cleaning of electrical or electronic equipment.~~

~~**10(2)** Subsection (1) does not apply to a person who cleans equipment that he or she owns or who cleans~~

~~equipment owned by his or her employer.~~

~~**10(3)** After January 1, 1996, no person shall use a Class 1 substance to dissolve another substance for the purpose of cleaning any object or thing.~~

Use of Class 1 substance as solvent prohibited

10 No person shall use a Class 1 substance as a cleaning solvent.

Flushing and testing

11(1) No person shall add a Class 1, 2 or 3 substance to ~~Class 1 substance to any~~ equipment for

(a) flushing or leak testing the equipment; or

(b) testing fire extinguishing equipment.

~~**11(2)** Clause (1)(a) does not apply to a sweep charge procedure used to remove contaminants from the closed refrigerant loop of a white good.~~

~~**11(3)** In subsection (2), **"sweep charge"** means the process of introducing four ounces (113 grams) or less of refrigerant into a refrigeration system purged of it's existing charge so that, as the compressor circulates the introduced refrigerant through the system, contaminants may be picked up by the introduced refrigerant for the purpose of removing the contaminants from the refrigeration system.~~

11(2) ~~**11(4)**~~ No person shall add a Class 1, 2 or 3 substance ~~an ozone depleting substance~~ to any equipment for the purpose of leak testing the equipment.

M.R. 128/95

Leak test requirement

12(1) No person shall charge, recharge or top up equipment that contains ~~an ozone depleting substance~~ a Class 1, 2 or 3 substance unless the person first

(a) conducts a leak test

(i) in accordance with the procedure set out in the *MOPIA 1998–1999 Manitoba Compliance Guide*, published by the Manitoba Ozone Protection Industry Association Inc., as amended or replaced from time to time, if the equipment is air conditioning or refrigeration equipment,

(ii) in accordance with Underwriters' Laboratories of Canada standard ULC/ORD–C1058.18–2004, *The Servicing of Halon and Clean Agent Extinguishing Systems*, as amended or replaced from time to time, if the equipment is fire extinguishing equipment that uses a Class 1 substance, or

(iii) or in accordance with any other procedure approved by the minister for the particular kind of equipment; and

(b) if the leak test reveals a leak, repairs the leak so that leaking can no longer occur.

12(2) When a person conducts a leak test under subsection (1) that reveals a leak, the person shall

(a) ensure that the equipment is immediately repaired so that leaking can no longer occur; or

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(b) immediately recover the ~~ozone depleting substance~~ Class 1, 2 or 3 substance from the equipment and disable the equipment so as to prevent damage to the equipment.

~~**No recharging of fire extinguishing equipment**~~
~~**13(1)** No person shall partially or completely recharge hand-held fire extinguishing equipment with an ozone depleting substance.~~

No recharging of portable fire extinguishing equipment
13(1) No person shall charge or recharge portable fire extinguishing equipment with a Class 1 or 2 substance.

13(2) Subsection (1) does not apply to

(a) fire extinguishing equipment that has been used for fire protection in an aircraft or mining operation, and that is intended to be reused for fire protection in an aircraft or mining operation; or

(b) fire extinguishing equipment that, in the opinion of the minister, is for any essential use other than those described in clause (a).

Class 1 substances in fixed fire extinguishing equipment
13.1(1) For the purposes of this section and sections 13.2, 13.3 and 15.5, a person operates fixed fire extinguishing equipment if

(a) he or she owns or has care and control of the vehicle, building, structure or part of a building or structure, or other place, where the equipment is installed; and

(b) the equipment has not been decommissioned.

13.1(2) Between the day that is 90 days after this section comes into force and December 31, 2009, no person who operates fixed fire extinguishing equipment shall use a Class 1 substance in it except under the authority of a Class 1 permit issued under section 13.2.

13.1(3) Between January 1, 2006 and December 31, 2009 no person shall recharge fixed fire extinguishing equipment with a Class 1 substance except under the authority of a recharging permit issued under section 13.2.

13.1(4) After December 31, 2009

(a) no person shall operate fixed fire extinguishing equipment that uses a Class 1 substance; and

(b) a person who owns or has care and control of the building, structure or part of a building or structure, or other place, where such fixed fire extinguishing equipment is installed shall ensure that the equipment is decommissioned.

Class 1 permits and recharging permits for fixed fire extinguishing equipment
13.2(1) In this section and section 13.3, "unit" means fixed fire extinguishing equipment with a common supply of Class 1 substance.

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13.2(2) A person who wishes to obtain a Class 1 permit or recharging permit for a unit of fixed fire extinguishing equipment shall

(a) file an application with the minister in a form acceptable to the minister and provide the minister with the information he or she requires; and

(b) pay a fee of $50.

13.2(3) The minister may issue a Class 1 permit to a person for a unit if the person complies with subsection (2) and the minister is satisfied that the person intends to use a Class 1 substance in the unit between the day that is 90 days after this section comes into force and December 31, 2009.

13.2(4) The minister may issue a recharging permit to a person for a unit if the person complies with subsection (2) and the minister is satisfied that the person intends to recharge the unit with a Class 1 substance between January 1, 2006 and December 31, 2009.

13.2(5) Subject to section 15.5, the minister may

(a) refuse to issue a Class 1 permit or recharging permit if he or she is of the opinion that the applicant has not complied with subsection (2), has contravened the Act or this regulation, or is otherwise not entitled to a permit; or

(b) suspend or cancel a Class 1 permit if he or she is of the opinion that the applicant or permit holder has contravened the Act or this regulation.

13.2(6) The minister may not issue more than one recharging permit under this section for the same unit.

13.2(7) A Class 1 permit expires on the earlier of the following:

(a) December 31, 2009;

(b) the expiration of one year from the day on which the unit is recharged;

(c) the day the unit is converted so as not to use a Class 1 substance or replaced with equipment that does not use a Class 1 substance;

(d) the day the unit is decommissioned.

13.2(8) A recharging permit expires on the earlier of the following:

(a) the day the unit is recharged;

(b) December 31, 2009;

(c) the day the Class 1 permit for the unit expires or is cancelled.

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13.2(9) Within one year after the day on which a unit is recharged, the person who operates the unit shall

(a) decommission the unit;

(b) convert the unit so that it does not use a Class 1 substance; or

(c) replace the unit with equipment that does not use a Class 1 substance.

Permits for irreplaceable equipment

13.3(1) Despite section 13.1 and subsection 13.2(8), a person who operates a unit of fixed fire extinguishing equipment that uses a Class 1 substance may apply for a Class 1 permit or recharging permit under this section if

(a) the person needs to operate the unit after December 31, 2009 or after the day subsection 13.2(8) requires the unit to be converted or replaced; and

(b) there is no technically or financially feasible alternative to operating or recharging the unit that could have a relatively lower environmental health impact than its continued operation.

13.3(2) A person who wishes to obtain a Class 1 permit or recharging permit for a unit of fixed fire extinguishing equipment under this section shall

(a) file an application with the minister in a form acceptable to the minister and provide the minister with the information he or she requires; and

(b) pay a fee of $80.

13.3(3) Without limiting the generality of clause (2)(a), the person shall provide the minister with evidence satisfactory to the minister that there is no technically or financially feasible alternative to operating or recharging the unit that could have a relatively lower environmental health impact than its continued operation.

13.3(4) The minister may issue a Class 1 permit or recharging permit for a unit under this section if the person complies with subsections (2) and (3) and the minister is satisfied by the evidence provided under subsection (3).

13.3(5) Subject to section 15.5, the minister may refuse to issue a Class 1 permit or recharging permit under this section if the minister

(a) is not satisfied by the evidence provided under subsection (3); or

(b) is of the opinion that the applicant has not complied with subsection (2) or (3), has contravened the Act or this regulation, or is otherwise not entitled to a permit.

13.3(6) A Class 1 or recharging permit under this section expires on the expiration of one year from the day it is issued. If the person's need to operate the unit will continue after the expiration of a Class 1 permit under this section, he or she must apply for a new permit before it expires.

13.3(7) No person shall make a false or misleading statement or provide false or misleading information in, or

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in support of, an application for permit under this section.

Addition of contaminants prohibited

14 No person shall add to, mix or dissolve in a recovered ~~ozone depleting substance~~ Class 1, 2 or 3 substance any foreign material, substance or waste that makes reclamation impracticable.

Restriction on operation of compressor purge system

15 ~~After January 1, 1996, no~~ No person shall operate or permit the operation of a sub-atmospheric centrifugal chiller compressor purge system unless it is a high-efficiency system that meets ~~the Air Conditioning and Refrigeration Institute (ARI) Standard 580~~ ARI standard 580-2001, *Non-Condensable Gas Purge Equipment for Use with Low Pressure Centrifugal Liquid Chillers*, as amended or replaced from time to time.

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Prohibited releases from purge systems

15.1 No person shall, after this regulation is in force for 90 days, release or permit the release of a Class 1, 2 or 3 substance from the purge system of air conditioning or refrigeration equipment in an amount greater than 0.1 kg of Class 1, 2 or 3 substance per kg of air.

Class 1 substances in chillers

15.2(1) For the purposes of this section and sections 15.3 to 15.5, a person operates a chiller if

(a) he or she owns or has care and control of the building, structure or part of a building or structure, or other place, where the chiller is installed; and

(b) the chiller has not been decommissioned.

15.2(2) Between the day that is 90 days after this section comes into force and December 31, 2014, no person who operates a chiller shall use a Class 1 substance in it except under the authority of a Class 1 permit issued under section 15.4.

15.2(3) After December 31, 2014

(a) no person shall operate a chiller that uses or operates with a Class 1 substance; and

(b) a person who owns or has care and control of the vehicle, building or part of a building, structure or part of a structure, or other place, where such a chiller is installed shall ensure that the chiller is decommissioned.

Other time-based restrictions on chillers

15.3(1) Subsection (2) applies to a person who operates a chiller that uses or operates with a Class 1 substance and after December 31, 2005 mechanically requires a major overhaul.

15.3(2) A person mentioned in subsection (1)

(a) shall not overhaul the chiller unless it is concurrently converted to use or operate with a substance other than a Class 1 substance; and

(b) shall, if the chiller is not converted, decommission it.

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15.3(3) Despite subsection 8(3), a chiller that mechanically requires a major overhaul after December 31, 2005, may be charged or recharged with a Class 1 substance once if

(a) the chiller's incapacity is an immediate threat to human life or health; and

(b) the owner or operator responsible for the chiller immediately notifies an environment officer after the chiller is charged or recharged and provides the environment officer with all information regarding the charge or recharge that is requested by the environment officer.

15.3(4) A chiller that is charged or recharged under subsection (3) must, within one year after it is charged or recharged,

(a) be converted to use or operate with a substance other than a Class 1 substance; or

(b) be decommissioned.

Class 1 permits for chillers

15.4(1) A person who wishes to obtain a Class 1 permit for a chiller shall

(a) file an application with the minister in a form acceptable to the minister and provide the minister with the information he or she requires; and

(b) pay a fee of $50.

15.4(2) The minister may issue a Class 1 permit to a person for a chiller if the person complies with subsection (1) and the minister is satisfied that the person intends to use a Class 1 substance in the chiller between the day that is 90 days after this section comes into force and December 31, 2014.

15.4(3) Subject to section 15.5, the minister may

(a) refuse to issue a Class 1 permit if he or she is of the opinion that the applicant has not complied with subsection (1), has contravened the Act or this regulation, or is otherwise not entitled to a permit; or

(b) suspend or cancel a Class 1 permit if he or she is of the opinion that the applicant or permit holder has contravened the Act or this regulation.

15.4(4) A Class 1 permit expires on the earlier of the following:

(a) December 31, 2014;

(b) the day after December 31, 2005, that the chiller mechanically requires a major overhaul;

(c) the expiration of one year after the day on which the chiller is charged or recharged under section 15.3.

Refusal, suspension or cancellation of permit

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15.5(1) If the minister proposes to refuse to grant a Class 1 permit under section 13.2, 13.3 or 15.4 or to suspend or cancel one, the minister shall give notice of the proposal, together with the reasons for it, to the applicant or permit holder stating that he or she may respond to the proposal in writing to the minister within 21 days after the notice is received.

15.5(2) If the minister proposes to refuse to grant a recharging permit under section 13.2 or 13.3, the minister shall give notice of the proposal, together with the reasons for it, to the applicant stating that he or she may respond to the proposal in writing to the minister within 21 days after the notice is received.

15.5(3) If an applicant or permit holder does not respond to the notice, the minister may carry out the proposal.

15.5(4) If an applicant or permit holder responds to the notice, the minister shall consider the response without delay and may

(a) when the proposal concerns the granting of a Class 1 or recharging permit, grant the permit if the minister is satisfied that the applicant meets the requirements for a permit;

(b) when the proposal concerns the suspension or cancellation of a Class 1 permit, refrain from carrying out the proposal if the minister is satisfied that he or she is not entitled to do so under subsection 13.2(4) or 13.3(5); or

(c) carry out the proposal, if the minister is satisfied that he or she is entitled to do so under subsection 13.2(4), 13.3(5) or 15.4(3).

15.5(5) A notice of proposal under this section is sufficiently given to an applicant or permit holder if it is personally served or if it is sent by registered mail to the last address of the applicant or permit holder known to the minister, in which case it is deemed to have been received by the applicant or permit holder five days after it is mailed.

Disposal of equipment, etc.

16(1) ~~No person~~ Subject to subsection (1.1), no person shall dispose of

(a) air conditioning, fire extinguishing, ~~or refrigeration equipment~~ refrigeration or other equipment; or

(b) an object;

that contains ~~an ozone depleting substance~~ a Class 1, 2 or 3 substance without first ensuring that the ~~ozone depleting substance~~ Class 1, 2, or 3 substance is or will be recovered for recycling, reclamation or destruction.

16(1.1) It is sufficient compliance with subsection (1) if the person delivers the equipment or object to a public-sector program or agency, or a private-sector organization, that recovers or ensures the proper recovery of the Class 1, 2 or 3 substance.

16(2) No person shall dispose of a motor vehicle that contains an air-conditioning unit without first removing any ~~ozone depleting substance~~ Class 1, 2 or 3 substance from the unit.

16(3) In this section, **"dispose of"**, in relation to a closed loop system that contains a Class 1, 2 or 3

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substance ~~an ozone depleting substance~~ in relation to a motor vehicle, means to cease to have charge of or responsibility for the system or the motor vehicle with the intention that it will not be used again in its existing form.

Storage of recovered substances

17 Despite any other provision of this regulation, a person who recovers ~~an ozone depleting substance~~ a Class 1, 2 or 3 substance shall, if the condition or quality of the substance is inadequate for ~~re-use~~ reuse, recycling or reclamation, store or arrange for storage of the substance until the substance can be delivered to a person for destruction. ~~until destruction techniques for ozone depleting substances are readily available.~~

Return of Class 1, 2 or 3 substances to sellers

17.1(1) A person who is entitled under this regulation to purchase Class 1, 2 or 3 substances may return a Class 1, 2 or 3 substance in a container designed and manufactured to contain the substance to any person who displays or offers for sale, sells or transfers that substance.

17.1(2) A person who displays or offers for sale, sells or transfers a Class 1, 2 or 3 substance shall accept the return of the substance if the conditions set out in subsection (1) are satisfied. The person must store the Class 1, 2 or 3 substance until he or she

(a) delivers it to a person who manufactures, recycles, reclaims or destroys the substance; or

(b) otherwise ensures that it is recycled, reclaimed or destroyed.

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SALE OF ~~OZONE DEPLETING SUBSTANCES~~ CLASS 1, 2 AND 3 SUBSTANCES

Sale of fire extinguishers

18(1) No person shall display or offer for sale, sell or transfer to any person any fire extinguishing equipment that contains a Class 1 substance.

18(2) Subsection (1) does not apply to fire extinguishing equipment intended for

~~(a) use in the process of recharging a fixed fire extinguishing system;~~

(b) use on an aircraft or in mining operations; or

(c) any other use that is, in the opinion of the minister, an essential use under clause 13(2)(b).

Sale in inappropriate containers prohibited

18.1(1) No person shall display or offer for sale, sell or transfer a Class 1, 2 or 3 substance that may be used in air conditioning or refrigeration equipment unless the substance or product is contained in an appropriate container.

Purchase in inappropriate containers prohibited

18.1(2) No person shall purchase a Class 1, 2 or 3 substance that may be used in air conditioning or refrigeration equipment unless the substance or product is contained in an appropriate container.

18.1(3) Subsections (1) and (2) do not apply to a display or offer that occurs within 120 days after this section comes into force or a sale, transfer or purchase that is completed within that time.

Sale of ~~ozone depleting substances~~ Class 1, 2 and 3 substances in containers or in equipment

19(1) No person shall display or offer for sale, sell or transfer to any person, other than to a trained service technician or a secondary distributor,

(a) ~~an ozone depleting substance~~ a Class 1, 2 or 3 substance that is in a container and that is intended for the purpose of installation, repair or service of air conditioning, refrigeration, fire extinguishing or any other equipment that contains a Class 1, 2 or 3 substance ~~an ozone depleting substance~~; or

(b) any new or used equipment or component, other than a white good, that contains or is intended to contain a Class 1, 2 or 3 substance ~~an ozone depleting substance~~, including a roof-top unit, a split system, an evaporator, a condenser, a filter dryer, a compressor, a pressure activated control, or any other equipment or component that makes up or is attached to a closed refrigerant loop.

Sales records

19(2) A person who makes a sale or transfer described in subsection (1) shall

(a) make a record setting out

(i) the name of the purchaser or transferee and his or her certification number or secondary distributor permit number,

(ii) the date of the sale or transfer,

(iii) if the sale or transfer is of ~~an ozone depleting substance~~ a Class 1, 2 or 3 substance in a container, the type and quantity of ~~ozone depleting substances~~ Class 1, 2 or 3 substance sold or transferred;

(b) keep the record for not less than three years after the date of the sale or transfer; and

(c) make the record available to an environment officer upon request.

19(3) In addition to the requirements of subsection (2), a secondary distributor shall

(a) keep an inventory record in a form acceptable to the minister of the quantities and types of ~~ozone depleting substances~~ Class 1, 2 or 3 substance in stock;

(b) before February 1 of each year, provide to the minister a copy of the inventory records for the previous year; and

(c) where the secondary distributor sells or transfers ~~an ozone depleting substance~~ a Class 1, 2 or 3 substance,

(i) make a record of each sale or transfer of ~~an ozone depleting substance~~ a Class 1, 2 or 3 substance including information as to the type and quantity sold and the name and the certification number or secondary distributor permit number of the purchaser or transferee, and

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(ii) mark all receipts, invoices, and other documentation provided to the purchaser or transferee with the certification number or secondary distributor permit number of the purchaser or transferee.

19(4) A secondary distributor who makes a record described in clause (3)(a) or (3)(c)(i), or a person who is in possession of a receipt, invoice, or other documentation described in subclause (3)(c)(ii), shall

(a) keep the record, receipt, invoice or documentation for not less than three years from the date of the making of the record, or date of receipt of the receipt, invoice or documentation, as the case may be; and

(b) make the record, receipt, invoice or documentation available to an environment officer upon request.

TRAINED SERVICE TECHNICIANS AND SECONDARY DISTRIBUTORS

Certification of technicians

20(1) A person who has successfully completed a course that is approved by the minister in the proper repair, installation, recovery and recycling procedures for sealed systems, including the recovery of ~~ozone depleting substances~~ Class 1, 2 and 3 substances, is entitled to be certified as a trained service technician and to have that certification renewed except when

(a) the past conduct of the applicant affords reasonable grounds to believe that he or she will not carry out his or her functions as a trained service technician in accordance with law and with integrity and honesty; or
(b) the applicant is carrying on activities that are, or will be if the person is certified, in contravention of the Act or this regulation.

20(2) A person may apply for certification by filing an application with the minister and paying a fee of ~~$20~~ $25.

20(3) The minister shall assign a certification number to a person certified under subsection (1).

20(4) A certification ~~expires on July 1~~ issued under this section expires on June 1 of the year following the year in which the certification was issued and may be renewed, on application to the minister, prior to but not earlier than 30 days before the expiry of the existing certification.

20(5) An application for renewal of a certification must be accompanied by a renewal fee of $25 ~~$20~~.

20(6) Subject to section 21, the minister may refuse to grant a certification if he or she is of the opinion that the applicant is disentitled under subsection (1).

20(7) The minister may, before granting a renewal of a certification, require the applicant to satisfy the minister that the applicant continues to be qualified in the proper repair, recovery and recycling procedures for sealed systems, including the recovery of ~~ozone depleting substances~~ Class 1, 2 and 3 substances.

20(7.1) Without limiting the generality of subsection (7), a person who formerly held a trained service technician certificate that expired without being renewed must, if he or she wishes to be certified again, apply for a new certificate and satisfy all the requirements of subsections (1) and (2).

20(8) Subject to section 21, the minister may suspend, cancel or refuse to renew a certification for any

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reason that would disentitle the person to certification under subsection (1).

20(9) If the minister suspends, cancels or refuses to renew a certification, the holder of the certificate shall return it to the minister along with any other documentation that has been issued by or on behalf of the minister for the purposes of identifying that person as a trained service technician.

~~**20(10)** A certification issued under Manitoba Regulation 15/92 remains in effect until July 1, 1994 or until 30 days after the day this regulation comes into force, whichever is later.~~

Notice of proposal to refuse, suspend or cancel

21(1) If the minister proposes to refuse to grant or renew a certification or proposes to suspend or cancel a certification, he or she shall give notice of the proposal, together with the reasons for it, to the applicant or the technician stating that he or she may respond to the proposal in writing to the minister within 21 days after the notice is received.

21(2) If an applicant or technician does not respond to the notice, the minister may carry out the proposal

21(3) If an applicant or technician responds to the notice, the minister shall consider the response without delay and may

(a) when the proposal concerns the granting or renewal of a certification, grant the certification or renewal if the minister is ~~satisifed~~ satisfied that the applicant or technician meets the requirements for certification or renewal;

(b) when the proposal concerns suspension or cancellation of a certification, refrain from carrying out the proposal if the minister is satisfied that he or she is not entitled to do so under subsection 20(8); or

(c) carry out the proposal, if the minister is satisfied that he or she is entitled to do so under subsection 20(6) or (8).

21(4) A notice of proposal under this section is sufficiently given to an applicant or a technician if it is personally served or if it is sent by registered mail to the last address of the applicant or technician known to the minister, in which case it is deemed to have been received by the applicant or technician five days after it is mailed.

Permits for secondary distributors

22(1) The minister may, upon application, issue a secondary distributor permit to a person who is not a manufacturer of a Class 1, 2 or 3 substance ~~an ozone depleting substance~~ or a trained service technician and who

(a) imports into the province; or

(b) purchases in the province;

a Class 1, 2 or 3 substance ~~ozone depleting substance~~ or equipment, other than a white good, that contains a Class 1, 2 or 3 substance ~~ozone depleting substance~~.

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22(2) A person may apply for a secondary distributor permit by filing an application with the minister and paying a fee of $50.

22(3) The minister shall assign a secondary distributor permit number to a person issued a permit under subsection (1).

22(4) A secondary distributor permit expires on December 31 of the year for which it is issued and may be renewed, on application to the minister, prior to but not earlier than 30 days before the expiry of the existing permit.

22(5) An application for renewal of a secondary distributor permit must be accompanied by a renewal fee of $50.

22(6) Subject to section 23, the minister may refuse to issue or may suspend or cancel a secondary distributor permit if the applicant or the holder of the permit has contravened the Act or this regulation.

22(7) Subject to section 23, the minister may refuse to renew a secondary distributor permit if the holder of the permit has contravened the Act or this regulation or no longer meets the requirements for a permit set out in subsection (1).

Notice of proposal to refuse, suspend or cancel

23 The provisions of section 21 apply to the refusal to issue or renew a secondary distributor permit and to the suspension or cancellation of a secondary distributor permit, with necessary modifications.

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MISCELLANEOUS PROVISIONS

Reporting a release of an ozone depleting substance

24 A person who owns, operates, services, installs, repairs or does any other work on equipment from which there has been a release, whether accidental or not, of more than 10 kilograms of a Class 1, 2 or 3 substance ~~an ozone depleting substance~~ into the environment shall immediately after the release report it to an environment officer, and shall provide an environment officer with all information regarding the release that is requested by an environment officer.

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Labelling of equipment

25(1) No person shall sell or offer for sale new air conditioning, refrigeration or fire extinguishing equipment unless the equipment displays a prominent and permanent label that identifies any ~~ozone depleting substance~~ Class 1, 2 or 3 substance that is contained in the equipment.

25(2) A person who recharges equipment that is labelled in accordance with subsection (1) with ~~an ozone depleting substance that is different from the substance indicated on the original label shall affix to the equipment a label~~ a Class 1, 2 or 3 substance shall affix to the equipment a new label that sets out

(a) the type and amount of the ~~ozone depleting substance~~ Class 1, 2 or 3 substance used to recharge the unit;

(b) the date of the recharging; and

(c) the name of the person or, in the case of a business, the name of the business, that performed the service,

and the certificate number of the trained service technician who recharged the equipment.

Responsibility of employers and contractors

26(1) In this section, **"contractor"** means a person engaged in the business of installing, repairing or servicing air conditioning, refrigeration, fire extinguishing or other equipment that contains a Class 1, 2 or 3 substance ~~an ozone depleting substance~~.

26(2) Every employer and every contractor shall require an employee or independent contractor engaged by him or her to comply with this regulation if the person, while acting in the course of employment or the performance of the contract,

(a) makes or uses ~~an ozone depleting substance~~ a Class 1, 2 or 3 substance or a thing or product that contains, or for its use or operation requires a Class 1, 2 or 3 substance ~~an ozone depleting substance~~; or

(b) installs, services or repairs air conditioning, refrigeration, fire extinguishing or other equipment that~~contains ozone depleting substance~~ contains, uses or operates with a Class 1, 2 or 3 substance, or does any other work on such equipment that may result in the release ~~of an ozone depleting substance~~ a Class 1, 2 or 3 substance.

26(3) Every employer and every contractor shall require an employee or independent contractor engaged by him or her and who, while acting in the course of the employment or the performance of the contract, as the case may be, installs, services or repairs air conditioning, refrigeration, fire extinguishing or other equipment that contains a Class 1, 2 or 3 substance ~~an ozone depleting substance~~, or does any other work on such equipment that may result in the release of a Class 1, 2 or 3 substance ~~an ozone depleting substance~~, to be a trained service technician.

~~**Information about fixed fire extinguishing system**~~

~~**27** A person who, on the day this regulation comes into force, owns or operates a fixed fire extinguishing system containing more than four kilograms of a Class 1 ozone depleting substance shall, within 90 days of the day this regulation comes into force, provide the minister with a report in a form acceptable to the minister setting out~~

~~(a) the location of the system;~~

~~(b) the type and quantity of ozone depleting substance contained in the system; and~~

~~(c) a plan for the elimination of the use of Class 1 ozone depleting substances in the system.~~

Administrative assistance

28(1) The minister may appoint a not-for-profit organization concerned with ~~ozone depleting substances~~ Class 1, 2 or 3 substances to provide assistance in the administration of this regulation.

28(2) An appointment under this section shall specify the types of assistance to be provided and may be made subject to any terms and conditions the minister considers appropriate.

~~**28(3)** An appointment may permit the organization to receive, on the minister's behalf, the records referred to in subsection 8(4) and clause 19(3)(b), and in that event a person to whom those provisions apply shall submit the records to the organization rather than to the minister.~~

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28(3) An appointment may permit the organization to receive, on the minister's behalf, the summaries referred to in subsection 8(4), reports referred to in subsections 8(5) and (6) and records referred to in clause 19(3)(b). In that event, a person required to provide a summary report or record under any of those provisions shall provide it to the organization rather than to the minister.

28(4) An appointment may permit the organization appointed to retain the amount of fees prescribed in sections 13.2, 13.3, 15.4, 20 and 22.

~~Permission respecting releases and use of Class 1 substances~~ Permission for unauthorized release or use

29(1) Notwithstanding any other provision of this regulation, the minister may, upon written application, permit

(a) the release of a Class 1, 2 or 3 substance ~~an ozone depleting substance~~ as described in section 5; ~~or~~

(b) the use of a Class 1 substance in air conditioning or refrigeration equipment if it is necessary to operate the equipment in an emergency; or

(b) the use of a Class 1 substance to dissolve another substance for cleaning purposes where prohibited under section 10.

29(2) Permission may be given under subsection (1) subject to any terms and conditions that the minister considers appropriate.

Repeal

30 The *Ozone Depleting Substances Regulation*, Manitoba Regulation 15/92, is repealed.

SCHEDULE A (Section 4) – repealed

SCHEDULE B (Section 12) – repealed

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SCHEDULE

OZONE DEPLETING SUBSTANCES AND REPLACEMENT PRODUCTS

CLASS 1

CHLOROFLUOROCARBONS (CFCs)

The following substances, whether existing alone or in a mixture and including isomers of any of them are prescribed:

CFC-11	· trichlorofluoromethane
CFC-12	· dichlorodifluoromethane
CFC-13	· chlorotrifluoromethane
CFC-111	· pentachlorofluoroethane
CFC-112	· tetrachlorodifluoroethane
CFC-113	· trichlorotrifluoroethane
CFC-114	· dichlorotetrafluoroethane
CFC-115	· chloropentafluoroethane
CFC-211	· heptachlorofluoropropane
CFC-212	· hexachlorodifluoropropane
CFC-213	· pentachlorotrifluoropropane
CFC-214	· tetrachlorotetrafluoropropane
CFC-215	· trichloropentafluoropropane
CFC-216	· dichlorohexafluoropropane
CFC-217	· chloroheptafluoropropane

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HALONS

The following substances, plus all other bromofluorocarbons and bromochlorofluorocarbons, whether existing alone or in a mixture and including isomers of any of them are prescribed:

Halon 1011	· bromochloromethane
Halon 1211	· bromochlorodifluoromethane (R-12B1)
Halon 1301	· bromotrifluoromethane (R-13B1)
Halon 2402	· 1,2-dibromotetrafluoroethane (R-114B2)

CHLOROCARBONS

The following substances, whether existing alone or in a mixture and including isomers of any of them (other than 1,1,2-trichloroethane), are prescribed:

R10	· tetrachloromethane (carbon tetrachloride)
R140a	· 1,1,1-trichloroethane (methyl chloroform)

CLASS 2

HYDROCHLOROFLUOROCARBONS (HCFCs)

The following substances plus all other hydrochlorofluorocarbons, whether existing alone or in a mixture and including isomers of any of them are prescribed:

HCFC-21	· dichlorofluoromethane
HCFC-22	· chlorodifluoromethane
HCFC-31	· chlorofluoromethane
HCFC-121	· tetrachlorofluoroethane
HCFC-122	· trichlorodifluoroethane
HCFC-123	· dichlorotrifluoroethane
HCFC-123	· 2,2-dichloro-1,1,1-trifluoroethane
HCFC-124	· chlorotetrafluoroethane
HCFC-131	· trichlorofluoroethane
HCFC-132	· dichlorodifluoroethane
HCFC-132c	· 1,1-dichloro-1,2-difluoroethane
HCFC-133	· chlorotrifluoroethane
HCFC-141	· dichlorofluoroethane
HCFC-142	· chlorodifluoroethane
HCFC-151	· chlorofluoroethane
HCFC-221	· hexachlorofluoropropane
HCFC-222	· pentachlorodifluoropropane
HCFC-223	· tetrachlorotrifluoropropane
HCFC-224	· trichlorotetrafluoropropane
HCFC-225	· dichloropentafluoropropane
HCFC-226	· chlorohexafluoropropane
HCFC-231	· pentachlorofluoropropane
HCFC-232	· tetrachlorodifluoropropane
HCFC-233	· trichlorotrifluoropropane
HCFC-234	· dichlorotetrafluoropropane
HCFC-235	· chloropentafluoropropane
HCFC-241	· tetrachlorofluoropropane
HCFC-242	· trichlorodifluoropropane
HCFC-243	· dichlorotrifluoropropane
HCFC-244	· chlorotetrafluoropropane
HCFC-251	· trichlorofluoropropane
HCFC-252	· dichlorodifluoropropane
HCFC-253	· chlorotrifluoropropane
HCFC-261	· dichlorofluoropropane
HCFC-262	· chlorodifluoropropane
HCFC-271	· chlorofluoropropane

Note: Mixtures or azeotropes of HCFCs and CFCs are Class 1 substances.

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CLASS 3

HYDROFLUOROCARBONS (HFCs)

The following substances plus all other hydrofluorocarbons, whether existing alone or in a mixture and including isomers of any of them, are prescribed:

HFC-23	· trifluoromethane
HFC-32	· difluoromethane (methylene fluoride) (R32)
HFC-41	· fluoromethane (methyl fluoride) (R41)
HFC-125	· 1,1,1,2,2-pentafluoroethane (R125)
HFC-134	· tetrafluoroethane
HFC-143	· trifluoroethane
HFC-152	· difluoroethane
HFC-161	· fluoroethane (ethylfluoride)
HFC-227	· heptafluoropropane
HFC-236	· hexafluoropropane
HFC-245	· pentafluoropropane
HFC-254	· tetrafluoropropane
HFC-263	· trifluoropropane
HFC-272	· difluoropropane
HFC-281	· fluoropropane
HFC-329	nonafluorobutane
HFC-338	· octafluorobutane
HFC-347	· heptafluorobutane
HFC-356	· hexafluorobutane
HFC-365	· pentafluorobutane
HFC-374	· tetrafluorobutane
HFC-383	· trifluorobutane
HFC-392	· difluorobutane
	· fluorobutane
HFC-4310	· 1,1,1,2,2,3,4,5,5,5-decafluoropentane

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Note: Mixtures or azeotropes of HFCs and CFCs are Class 1 substances and mixtures or azeotropes of HFCs and HCFCs are Class 2 substances.

PERFLUOROCARBONS (PFCs):

FC-14	· tetrafluoromethane (carbon tetrafluoride) (R14)
FC-116	· hexafluoroethane (R116)
	· 1,1,2,3,3,3-hexafluoro-1-propene (perfluoropropene)
FC-218	· octafluoropropane (R218)
	· 1,1,2,3,4,4-hexafluoro-1,3-butadiene
	· 1,1,1,4,4,4-hexafluoro-2-butyne
RC318	· octafluorocyclobutane (R318) (C318) (perfluorocyclobutane)

	· 1,1,1,2,3,4,4,4-octafluoro-2-butene
FC-3-1-10	· decafluorobutane (PFC-410) (perfluorobutane)
FC-4-1-12	· dodecafluoropentane (PFC-512) (perfluoropentane)
	· hexafluorobenzene (perfluorobenzene)
FC-5-1-14	· tetradecafluorohexane (PFC-614) (perfluorohexane)
FC-6-1-16	· hexadecafluoroheptane (perfluoroheptane)
	· octadecafluorooctane (perfluorooctane)
	· 2,2,3,3,5,5,6,6-octafluoro-4-((trifluoromethyl) -morpholine
	· 2,2,3,3,5,5,6,6-octafluoro-4-(pentafluoroethyl)-morpholine

Note: Mixtures or azeotropes of PFCs and HCFCs are Class 2 substances.

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